IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20790 of 2005

Between:

S.T. Shabbir Ahmed S/o. S.T. Allah Bhaksh,
R/o. 521/243, Kothapet, Kurnool,

..... PETITIONER

AND

1. The Superintendent of Police, Kurnool District,
2. The Station House Officer, Two Town Police Station,

Kurnool, Kurnool District,

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the respondents in opening the rowdy sheet and continuing the same against the petitioner, the present writ petition has been filed.

The case of the petitioner is that he was implicated by the 2nd respondent in Crime No.413 of 1985 under Section 110(8) Cr.P.C. along with some 64 accused and also implicated by the I Town police station, Kurnool in S.C.No.66 of 1987 for an alleged offence under Section 147, 148, 302 r/w. Section 149

I.P.C. Thereafter, he was acquitted in the said two cases and he was also implicated for the alleged offences under Section 132, 135, 136 (8) of R.T. Act and 448 and 506 IPC, which also ended in acquittal. The petitioner was also implicated by the 2nd respondent in certain offences, which ended in acquittal. The grievance of the petitioner is that the 2nd respondent has opened a rowdy sheet against him basing the alleged offence and is being continued and renewed the same till now without there being any material.

On behalf of the respondents, the 2nd respondent filed counter affidavit denying the allegations made in the affidavit of the petitioner. It is stated in the counter that the petitioner was involved in certain offences and in some cases he was convicted. On the recommendations of the Sub. Divisional Police Officer, a rowdy sheet was opened against the petitioner on 25.09.1985 and is being continued and renewed from time to time and stands extend up to 31.12.2005. It is admitted by the respondents that no cases are pending as of now, but if the moments of the petitioner are not closely watched by the respondents, he may cause breach of peace and create any law and order problem. It is also admitted by the respondents that there are no cases pending or registered against the petitioner at present, but his moments should be watched carefully to maintain law and order problem.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The learned counsel for the petitioner contended that some criminal cases were registered in the year 1985, 1986, 1996 against the petitioner which ended in acquitted and no cases are pending as on today. But, the rowdy sheet is being continued from time to time and is being extended without there being any material, and therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Home contended that the moments of the petitioner is being watched very closely so as to not to

cause any breach of peace and tranquility in the locality and he is a notorious person having a criminal back ground and hence, there are no grounds to close the rowdy sheet.

As seen from the material on record, it seems that some cases were registered against the petitioner in the year 1985, 1986 and 1996 whereunder the petitioner was acquitted in some cases and convicted in one case. Even though the cases were acquitted, the rowdy sheet is being continued and renewed against the petitioner from time to time and is in force till 30.12.2005. Subsequent to the year 1996, no case is registered and no case is pending against the petitioner.

There cannot be any dispute that unless there is sufficient proof as contemplated under Standing Order No.742 of A.P. Police Standing Orders, there is no need to open the rowdy sheet. The Standing Order No.742 reads thus:

> *S.O.742.* ***Rowdies****:- (1) The following persons may be classified as rowdies and Rowdy Sheets (Form 88) may be opened for them under the order of the Superintendent of Police or Sub-Divisional Officer:*
>
> a. *persons who habitually commit, attempt to commit or abet the commission of, offences involving a breach of the peace:*
>
> b. *persons bound over under sections 106, 107, 108(c) and 110(1) of the Code of Criminal Procedure, 1973.*
>
> c. *Persons who have been convicted more than once in two consecutive years under Section 75 of the Madras City Police Act or under Section 3, clause 12 of the Towns Nuisances Act;*
>
> d. *Persons who habitually tease women and girls by passing indecent remarks or otherwise; and*

e. *in case of rowdies residing in an area under one Police Station but are found to be frequently visiting the area under one or more other Police Stations their rowdy sheets can be maintain at all such Police stations.*

On a careful perusal of the provision, none of the clauses of the above order would attract to the present case so as to continue the rowdy sheet. Since no case is registered and pending against the petitioner as on today after the year 1996, it is not desirable to continue the rowdy sheet against the petitioner.

Accordingly, the writ petition is allowed directing the respondents to close the rowdy sheet within a period of one week from the date of receipt of a copy of this order. No costs.

However, it is also made clear that it is always left open to the respondents to take appropriate decision against the petitioner, if his activities are attracts any one of the clauses as mentioned in the Standing Order No.742.

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(K.C. BHANU, J)

Date: 06.10.2005

Ksn

This Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Justice Bilal Nazki , the Acting Chief Justice on this the 6th day of June Two thousand and five.